

Chapter 580

(House Bill 211)

AN ACT concerning

Maryland Commission on Human Relations – Name Change

FOR the purpose of changing the name of the Maryland Commission on Human Relations to the Maryland Commission on Civil Rights; correcting cross-references to reflect the name change; providing that letterhead, business cards, and other documents reflecting the renaming of the Commission may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Commission before the effective date of this Act are used; and generally relating to changing the name of the Maryland Commission on Human Relations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–355
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–202
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–307 and 12–202(h)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 19–103(e), (g), and (h) and 19–116
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2404, 10–107, 10–1103, and 20–101; and 20–201 to be under the amended subtitle “Subtitle 2. Commission on Civil Rights”

Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–203 and 5–205(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 5–408
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–355.

(a) A hospital or related institution may not discriminate in providing personal care for an individual because of the race, color, or national origin of the individual.

(b) The Commission on [Human Relations] **CIVIL RIGHTS** shall enforce this section as provided in Title 20 of the State Government Article.

Article – Insurance

2–202.

(a) (1) Notwithstanding any other law and except as provided in paragraph (2) of this subsection, the Commissioner has exclusive jurisdiction to enforce by administrative action the laws of the State that relate to the underwriting or rate–setting practices of an insurer.

(2) The [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** has concurrent jurisdiction with the Commissioner over alleged discrimination on the basis of race, creed, color, or national origin.

(b) When the Commissioner has exclusive jurisdiction under subsection (a) of this section, the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** may:

- (1) refer complaints about discriminatory practices to the Commissioner;
- (2) appear before the Commissioner as a party at a hearing about discriminatory practices;
- (3) make recommendations about discriminatory practices to the Commissioner;
- (4) represent a complainant in proceedings under § 2-210 of this subtitle; and
- (5) appeal as a party aggrieved by an order or decision of the Commissioner under § 2-215 of this subtitle or § 11-503 of this article.

(c) The Commissioner shall notify the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** of any hearing scheduled on a complaint about alleged discriminatory practices.

(d) On request of the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** and unless the complainant objects, the Commissioner shall give the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** all information about any complaint about alleged discriminatory practices received by the Commissioner.

(e) The Commissioner and the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** shall set guidelines for determining when allegations in a complaint about alleged discriminatory practices are sufficient to warrant a hearing.

Article – Public Safety

2-307.

(a) The Department shall collect, analyze, and disseminate information about the incidence of crime in the State.

(b) (1) The Department shall collect and analyze information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual orientation.

(2) Each local law enforcement agency and the State Fire Marshal shall provide the Department with the information described in paragraph (1) of this subsection.

(3) The Department shall adopt procedures for the collection and analysis of the information described in paragraph (1) of this subsection.

(4) The Department shall make monthly reports to the Commission on [Human Relations] **CIVIL RIGHTS** about the information described in paragraph (1) of this subsection.

12–202.

(h) (1) The Department shall cooperate with and provide technical assistance to the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** concerning an action brought by the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** to enforce § 20–705 or § 20–706 of the State Government Article.

(2) This section does not limit the authority of the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** to enforce §§ 20–705 and 20–706 of the State Government Article.

Article – State Finance and Procurement

19–103.

(e) “Commercial Nondiscrimination Policy” means the provisions contained under this title and any regulations or documentation requirements adopted by the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS** in accordance with this title.

(g) “Commission” means the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS**.

(h) “Commission staff” means employees of the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS** designated by the Commission to process, investigate, and pursue complaints filed under this title.

19–116.

Every contract that the State enters into shall include the following language:

“As a condition of entering into this agreement, upon the request of the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS**, and only after the filing of a complaint against the company under Title 19 of the State Finance and Procurement Article, as amended from time to time, the company agrees to: provide to the State within 60 days after the request a truthful and complete list of the names of all subcontractors, vendors, and suppliers that the company has used in the past 4 years on any of its contracts that were undertaken within the State of Maryland,

including the total dollar amount paid by the contractor on each subcontract or supply contract. The company further agrees to cooperate in any investigation conducted by the State pursuant to the State's Commercial Nondiscrimination Policy as set forth under Title 19 of the State Finance and Procurement Article of the Annotated Code of Maryland, to provide any documents relevant to any investigation that is requested by the State. The company understands and agrees that violation of this clause shall be considered a material breach of this agreement and may result in contract termination, disqualification by the State from participating in State contracts, and other sanctions.”.

Article – State Government

9–2404.

(a) There is a Maryland Advisory Council on the Deaf and Hard of Hearing.

(b) (1) The Council consists of 18 members appointed by the Governor, with the advice and consent of the Senate.

(2) Of the 18 Council members, at least five of the members shall be deaf and hard of hearing individuals.

(c) Of the 18 Council members:

(1) one shall be the State Superintendent or a designee from the State Department of Education;

(2) one shall be the Secretary or a designee from the Department of Health and Mental Hygiene;

(3) one shall be the Secretary or a designee from the Department of Human Resources;

(4) one shall be the Secretary or a designee from the Department of Transportation;

(5) one shall be from the [Human Relations Commission]
COMMISSION ON CIVIL RIGHTS;

(6) one shall be the Secretary or a designee from the Department of Labor, Licensing, and Regulation;

(7) one shall be the Secretary or a designee from the Department of Housing and Community Development;

(8) one shall be the Superintendent or a designee from the Maryland School for the Deaf;

(9) one shall be the Secretary or a designee from the Department of Aging; and

(10) nine shall be from the general public.

(d) (1) The nine members from the general public shall be chosen from different geographical areas of the State.

(2) Of the nine members from the general public:

(i) five shall be deaf and hard of hearing individuals;

(ii) one shall be a private citizen with special knowledge or expertise relating to services to deaf and hard of hearing individuals;

(iii) one shall be a parent of a deaf or hard of hearing child;

(iv) one shall be from a private agency providing services to deaf and hard of hearing individuals; and

(v) one shall be a person with special knowledge or expertise relating to services to individuals who are deafblind.

10-107.

(a) "Unit counsel" means the unit counsel for the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS**, the Public Service Commission, and the State Ethics Commission.

(b) Unless a proposed regulation is submitted to the Attorney General or to the unit counsel for approval as to legality, the regulation:

(1) may not be adopted under any statutory authority; and

(2) if adopted, is not effective.

10-1103.

(a) Each State department, agency, or program listed or identified under subsection (c) of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;

(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this paragraph on a statewide basis to any local office as necessary; and

(3) any additional methods or means necessary to achieve equal access to public services.

(c) The provisions of this subtitle shall be fully implemented according to the following schedule:

(1) on or before July 1, 2003, full implementation by:

(i) the Department of Human Resources;

(ii) the Department of Labor, Licensing, and Regulation;

(iii) the Department of Health and Mental Hygiene;

(iv) the Department of Juvenile Justice; and

(v) the Workers' Compensation Commission;

(2) on or before July 1, 2004, full implementation by:

(i) the Department of Aging;

(ii) the Department of Public Safety and Correctional Services;

(iii) the Department of Transportation, not including the Maryland Transit Administration;

(iv) the [Maryland Human Relations Commission]
COMMISSION ON CIVIL RIGHTS;

(v) the Department of State Police; and

(vi) five independent agencies, boards, or commissions, to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General;

(3) on or before July 1, 2005, full implementation by:

(i) the Comptroller of Maryland;

(ii) the Department of Housing and Community Development;

(iii) the Maryland Transit Administration;

(iv) the Department of Natural Resources;

(v) the Maryland State Department of Education;

(vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General; and

(4) on or before July 1, 2006, full implementation by:

(i) the Department of Agriculture;

(ii) the Department of Business and Economic Development;

(iii) the Department of Veterans Affairs;

(iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General.

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on [Human Relations] **CIVIL RIGHTS**.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) “Discriminatory act” means an act prohibited under:

- (1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);
- (2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Department of Labor, Licensing, and Regulation);
- (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);
- (4) Subtitle 6 of this title (Discrimination in Employment);
- (5) Subtitle 7 of this title (Discrimination in Housing); or
- (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

(f) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

Subtitle 2. Commission on [Human Relations] **CIVIL RIGHTS.**

20–201.

There is a Commission on [Human Relations] **CIVIL RIGHTS.**

Article – State Personnel and Pensions

5–203.

Except as provided in § 5–209 of this subtitle, in addition to any right to file an employment discrimination complaint with the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS**, with the Equal Employment Opportunity Commission, or in court, an employee may elect to pursue an allegation of employment discrimination under the complaint resolution procedures of this subtitle.

5–205.

(c) An appointing authority shall provide each employee subject to this subtitle with a notice of:

(1) the protections and remedies against employment discrimination available to the employee under:

(i) this subtitle;

(ii) the laws governing the [Maryland] Commission on [Human Relations] **CIVIL RIGHTS**; and

(iii) the laws governing the Equal Employment Opportunity Commission; and

(2) the applicable time limitations for filing complaints under those laws.

Article – Transportation

5–408.

(a) In its operation of an airport, airport facility, or air navigation facility owned or controlled by this State, the Administration, with the approval of the Secretary and subject to the direction of the Commission, may contract, lease, or otherwise arrange with any person to:

(1) Provide the person with services furnished by the Administration or its agents at the airport or facility; or

(2) Grant to the person the privilege of:

(i) Using or improving for commercial purposes any part of the airport or facility; or

(ii) Supplying services, facilities, goods, commodities, or other things at the airport or facility.

(b) (1) For the privileges granted, the Administration may establish any terms and conditions and fix any charges, rentals, or fees that:

(i) Are reasonable and uniform for the same class of privilege or service;

(ii) Are established with due regard to the property and improvements used and the expenses of operation to this State; and

(iii) Do not deprive the public of its rightful, equal, and uniform use of any part of the airport or facility.

(2) The Administration shall monitor the charges, fees, or prices of any goods or services offered to the public by persons granted the privilege under this section. Every contract, lease, or other arrangement shall provide that charges, fees, or prices:

(i) May not be increased without the prior approval of the Administration; and

(ii) Are to be reasonable. In determining reasonableness the Administration shall consider the charges, fees, or prices for the same goods or services at comparable airports.

(3) The Administration shall:

(i) Monitor the employment practices under Title 20, Subtitle 6 of the State Government Article of persons granted privileges under this section; and

(ii) Refer for investigation all alleged violations of § 20–606 of the State Government Article to the [State] Commission on [Human Relations] **CIVIL RIGHTS**, the Equal Employment Opportunity Commission, or any appropriate State or federal administrative body.

(c) (1) In this subsection, “commercial activity” means the sale, merchandising, marketing, or promotion of any goods or services.

(2) Commercial activity is permitted at an airport operated by the Administration only when expressly authorized by and in a manner prescribed by the Administration.

SECTION 2. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Maryland Commission on Human Relations to be the Maryland Commission on Civil Rights may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Commission before the effective date of this Act have been used.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 19, 2011.